



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/877094	06/11/01	Douglas C. Morrison	

Mr. Douglas C. Morrison  
2115 25 Ave. NW  
Calgary, Alberta T2M 202  
Canada

Date Mailed: April 17, 2006

## DENIAL OF REQUEST FOR REFUND

Your refund request dated February 06, 2006 for the amount of \$628.00 in the above-identified application is acknowledged. However, this request cannot be granted for the reason specified below.

- ☐ Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- ☐ Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is not entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- ☐ Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly.
- ☐ The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
  - ☐ Not filled out properly. (See attached copy of notice.)
  - ☐ Not made payable in U.S. funds.
  - ☐ No explanation was given as to purpose.
  - ☐ Payment was previously received and applied by Office.
  - ☐ Check was returned by bank for insufficient funds.

**\*\*Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

Please contact Customer Service at (571) 272-4000 for any inquiries regarding this decision.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

The times lhals past for a refund. You can only ask for a refund for two years. After that no refund will be granted.

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Eleanor F. Kurtz  
Office of Initial Patent Examination

## **FAX COVER PAGE**

**DATE: FEBRUARY 06 2006**

Application Control Number: 09/877,094

**TO:**

**REFUNDS**

Director of US Patent and Trade Mark Office

Alexandria Virginia

Fax: 571 273 5700

**FROM:**

Mr. Douglas C. Morrison

2115 25 Ave. NW

Calgary, Alberta T2M 2C2

Canada

Phone: 1-403-289-2633

Fax: 1-403-284-4625

**PAGES:**

Cover: 1 page

Letter: 1 page

Auto-Reply Facsimile Transmission - April 26, 2005: 1 page

Letter: Response to Election/Restrictions: 1 page

Fee Transmittal for FY 2001: 1 page

<b>TO: Mail Stop 16</b> <b>Director of US Patent and Trade Mark Office</b> <b>PO Box 1450</b> <b>Alexandria Virginia</b>  <b>FAX: 571-273-6500</b>	<b>Mr. Douglas C. Morrison</b> <b>2115 25 Ave NW</b> <b>Calgary, Alberta T2M 2C2</b> <b>Canada</b> <b>Phone: 1-403-289-2633</b> <b>Application Control Number:</b> <b>09/877,094</b> <b>February 6, 2006</b>
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**Attention: REFUNDS**

Dear Sir /Madame

**RE: Additional Claims Refund as per my request in the "Response to - Elections/Restrictions:" April 26 2005**

**Summary**

- Application Control Number: **09/877,094**
- Amount: **\$628** (as per SUBTOTAL (2) Fee Transmittal for FY 2001 attached)
- Refund to: Visa Account: 4520 0180 0753 9252

As per my request in the April 26, 2005 Response to - Elections/Restrictions, I request the fund of **\$628** dollars be refunded to my Visa account. I have withdrawn the application in response to the examiners augments and final action dated 7 December 2005.

**Attached:**

- Auto-Reply Facsimile Transmission - April 26, 2005
- Letter: Response to - Election/Restrictions: - Application Control Number: 09/877,094 with page 2 showing my request for refund should the application not be approved.
- Fee Transmittal for 2001 showing Subtotal (2) as **\$628** the requested amount.

James Zurita at (571-271-6766) was patent examiner. If any further information is required please call me at 1-403-289-2633.

Yours truly,

Douglas C Morrison

USPTO 4/26/2005 11:43 AM PAGE 1/001 Fax Server  
Auto-reply fax to 4032844625 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 4032844625

Fax Information

Date Received:

Total Pages:

4/26/2005 11:38:52 AM [Eastern Daylight Time]  
7 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b). 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

### FAX COVER PAGE

DATE: APRIL 26 2005

Application Control Number 09/077 094

**TO:**

Mr. James Zurita  
Patent Examiner  
Art Unit 3625  
Phone: 571-272-6766  
FAX: 1-703-872-9308

**FROM:**

Mr. Douglas C. Morrison  
2115 25 Ave. NW  
Calgary, Alberta T2M 2C2  
Canada  
Phone: 1-403-289-2633  
Fax: 1-403-284-4625

**PAGES:**

Cover: 1 page  
Letter: 2 pages  
Generic Claim OCT 27, 2004: 1 page  
Revised Claims April 26, 2005: 2 pages  
Revised Claims Clear Text April 26, 2005: 1 page  
Fee Transmittal for FY 2001: 1 page

TO: Mr. James Zurita Patent Examiner Art Unit 3625 Phone: 571-272-6766 FAX: 703-872-9306	Mr. Douglas C. Morrison 2115 25 Ave. NW Calgary, Alberta T2M 2C2 Canada Phone: 1-403-289-2633 Application Control Number: 09/877,094
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Dear Mr. Zurita :

RE: Response to - Election/Restrictions:

- Application Control Number: 09/877,094

In reply to your letter dated 27 October 2004 and re-mailed 27 January 2005 please find:

- A) The original Generic Claim OCT 27, 2004 ; 1 page
- B) The Revised Claims April 25, 2005; 2 pages
- C) Revised Claims Clear Text April 25, 2005; 1 page
- D) Fee Transmittal for FY 2001; 1 page

The revised claims:

- correct the informalities noted your letter
- In Claim 1, avoid confusion with browser reload buttons and specify that is client side only.
- In Claim 6, "to overcome browser cache" was added to distinguish the "intermediate referring page" from other pages that only link to the order summary pages. Technically, as explained in the disclosure, the browser will reload an outdated order summary page from the browser cache. Since the item selection varies, it is necessary to direct the browser to an "intermediate referring page" so that the browser displays the current item selection.
- It is believed that the claims are sufficiently narrow to avoid references you emailed on 19 April 2005. Claim 1 specifies "a web browser for online electronic shopping". Claim 9 specifies wherein said order page, ..., displays of at least one item for said selection or change of item quantity. This clearly different from spread sheets with cells to fill; loan calculators filling in the blanks to compute financial values; and as best as I can determine the OmniForm 4.0 desktop form filling application which requires "item id" to bring up description, price .... It is not clear what functionality of desktop application was exportable the custom web servers, but since only their servers can be used it implies client-server relationship, not a client side application.

Since we are proceeding a general set of claims, I withdraw the following claims from further consideration:

- claims 20-34 (III)
- claims 35-46 (IV)
- claims 47- 60 (V)
- claims 61-69 (VI)
- and claims 70-72 (VII).

In my current claim set there is one independent claim and nine dependant. The attached Fee Transmittal for FY 2001 shows Extra Fee Claim Fees of \$628.00 which I request a refund which can be processed at such time to be applied to the patent grant or refunded should patent be denied.

Yours Truly



Douglas C Morrison

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0831-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2001**Patent fees are subject to annual revision. **903**TOTAL AMOUNT OF PAYMENT (\$)**1163.00****Complete If Known**

Application Number	
Filing Date	
First Named Inventor	<b>Douglas C Morrison</b>
Examiner Name	
Group Art Unit	
Attorney Docket No.	

**METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

 Deposit Account Number  
 Deposit Account Name
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☐ Check ☒ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 710	201 365	Utility filing fee	<b>355</b>
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)**355.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
72	-20** = 52	X 9	= 468
7	-3** = 4	X 40	= 160

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**628.00**

\*for number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 60	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 880	217 445	Extension for reply within third month	
118 1,380	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(a)	
126 160	126 160	Submission of Information Disclosure Stmt	<b>160</b>
581 40	581 40	Recording each patent assignment per property (times number of properties)	
148 710	248 355	Filing a submission after final rejection (37 CFR § 1.129(e))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**160.00****SUBMITTED BY**

Name (Print/Type)	<b>Douglas C. Morrison</b>	Registration No. (Attorney/Agent)		Telephone	<b>1-403-289-2633</b>
Signature				Date	

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



02/06/2006 16:39

14032892633

VITAGENICS INSTITUTE

PAGE 02

TO: Mail Stop 16  
Director of US Patent and Trade Mark Office  
PO Box 1450  
Alexandria Virginia

FAX: 571-273-6500

Mr. Douglas C. Morrison  
2115 25 Ave. NW  
Calgary, Alberta T2M 2C2  
Canada  
Phone: 1-403-289-2633  
Application Control Number:  
09/877,094  
February 6, 2006

### Attention: REFUNDS

Dear Sir /Madame

RE: Additional Claims Refund as per my request in the "Response to -  
Elections/Restrictions:" April 26 2005

#### Summary

- Application Control Number: 09/877,094
- Amount: ~~5628~~ (as per SUBTOTAL (2) Fee Transmittal for FY 2001 attached)
- Refund to: Visa Account: 4520 0180 0753 9252

As per my request in the April 26, 2005 Response to - Elections/Restrictions,  
I request the fund of ~~5628~~ dollars be refunded to my Visa account. I have withdrawn the  
application in response to the examiners augments and final action dated 7 December  
2005.

#### Attached:

- Auto-Reply Facsimile Transmission - April 26, 2005
- Letter: Response to - Election/Restrictions: - Application Control Number:  
09/877,094 with page 2 showing my request for refund should the application  
not be approved.
- Fee Transmittal for 2001 showing Subtotal (2) as ~~5628~~ the requested  
amount.

James Zurita at (571-271-6766) was patent examiner. If any further information is  
required please call me at 1-403-289-2633.

Yours truly,

Douglas C Morrison